

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 VOLODYMYR KVASHUK,

14 Defendant.

CASE NO. CR19-0143JLR

ORDER

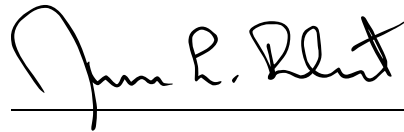
15 Before the court are *pro se* Defendant Volodymyr Kvashuk's motions (1) to  
16 expand the record and to seal two exhibits filed in support of his briefing in support of his  
17 motion for compassionate release (Mot. to Expand & Seal (Dkt. # 225)) and (2) to  
18 supplement his original motion for compassionate release (Mot. to Supp. (Dkt. # 222);  
19 *see also* Supp. Comp. Release Mot. (Dkt. # 223)). Plaintiff the United States of America  
20 (the "Government") has not responded to the motions. (*See generally* Dkt.) The court  
21 has reviewed the motions, the remainder of the record, and the applicable law. Being  
22 fully advised, the court GRANTS Mr. Kvashuk's motions.

1 On April 10, 2023, Mr. Kvashuk filed a motion for compassionate release  
2 pursuant to 18 U.S.C. § 3582(c)(1). (*See* Comp. Release Mot. (Dkt. # 201).) After the  
3 Government responded to Mr. Kvashuk's motion, Mr. Kvashuk filed a reply brief and a  
4 supplemental motion for compassionate release. In support of those pleadings, he filed  
5 two exhibits, containing excerpts from his psychology and medical records, provisionally  
6 under seal. (*See* Exs. (Dkt. # 226 (sealed)).) In the instant motion to seal and expand the  
7 record, Mr. Kvashuk asks the court to (1) expand the record to include those exhibits and  
8 (2) place the two exhibits at issue under seal. (Mot. to Expand & Seal.) In Mr.  
9 Kvashuk's motion to supplement, he asks the court to supplement his original motion for  
10 compassionate release with a claim regarding his recently diagnosed Right Bundle  
11 Branch Block. (Mot. to Supp.) Mr. Kvashuk raises this issue in his supplemental motion  
12 for compassionate release and argues that this newly discovered medical condition could  
13 amount to extraordinary and compelling reasons for compassionate release. (*Id.*; *see also*  
14 Supp. Comp. Release Mot.)

15 The court concludes that there are compelling reasons to permit the filing of Mr.  
16 Kvashuk's psychology and medical records under seal, due to the sensitive information  
17 contained therein. Additionally, because the exhibits filed in support of Mr. Kvashuk's  
18 reply brief and supplemental motion for compassionate release are already part of the  
19 record, the court will consider such exhibits when evaluating Mr. Kvashuk's motion for  
20 compassionate release. The court will also consider Mr. Kvashuk's newly discovered  
21 medical issue, raised in his supplemental motion for compassionate release, when ruling  
22 on his original motion for compassionate release.

1 Accordingly, the court GRANTS Mr. Kvashuk's motion to seal and expand the  
2 record (Dkt. # 225), GRANTS Mr. Kvashuk's motion to supplement his original motion  
3 for compassionate release (Dkt. # 222), and DIRECTS the clerk to maintain the seal on  
4 all documents that are provisionally under seal on the court's docket as of this date.

5 Dated this 6th day of June, 2023.

6  
7 

8 JAMES L. ROBART  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22